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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 ERICK J. BLANDINO, individually and on
12 behalf of all others similarly situated,

Case No. C 12-1729 PJH

13 Plaintiff,

ORDER DENYING MOTION TO STRIKE

14 v.

15 MCM CONSTRUCTION, INC., et al.,

16 Defendants.
17 _____/

18 The motion of plaintiff Erick J. Blandino to strike the answer filed by defendant MCM
19 Construction, Inc. ("MCM") came on for hearing before this court on June 6, 2012. Plaintiff
20 appeared by his counsel David S. Harris, and MCM appeared by its counsel G. Daniel
21 Newland. Having carefully reviewed the parties' papers and considered the arguments of
22 counsel and the relevant legal authority, and good cause appearing, the court hereby rules
23 as follows for the reasons stated at the hearing.

24 The court finds that plaintiff has failed to meet his burden of showing that the answer
25 must be stricken for failure to provide fair notice. Plaintiff argues that each of MCM's
26 defenses are insufficiently pled, yet, plaintiff actually addresses only four of MCM's fifty-
27 seven defenses. The court encourages MCM to take a reasonable approach
28 moving forward and whittle down its defenses where appropriate. However, considering

1 plaintiff has failed to demonstrate the insufficiency of each of MCM's defenses, plaintiff's
2 motion to strike MCM's answer is DENIED.

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4 **IT IS SO ORDERED.**

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6 Dated: June 13, 2012



PHYLLIS J. HAMILTON
United States District Judge